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09/765,965	01/19/2001	Debra Hensgen	5266-05200	8232

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td></td><td></td></tr>
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		Application No.	Applicant(s)
		09/765,965	HENSGEN ET AL.
Office Action Summary		Examiner	Art Unit
		Annan Q. Shang	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5 and 7-56</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5 and 7-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>5/7/07</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1, 15, 20, 31 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the specification does not disclose that "...periodically storing broadcast meta-data corresponding to each one or more of the received plurality of perspectives of the program..." It is unclear as to where support is found for the amended claim limitations.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-22 and 25-56 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jain et al (6,144,375)** and claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jain et al (6,144,375)** and further in view of **Abecassis (6,289,165),** applicant discusses the prior arts of record and the claimed invention and argues that Jain "...does not describe any use of meta-data such as time

information for each perspective of the program..." that "...there is no disclosure of

determining an approximation of the first point in time in the program..." that

"...determining a second point in time in the second perspective of the program by

approximating a first point in time..." (see page labeled 14/20+ of applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments,

however, Jain disclose transmitting meta-data with the various perspective of the

program, where a user interacts to playback (replay) portion of the program (the first,

second, third, etc., perspectives). Jain further inherently teaches the claim limitations

"...determining an approximation of the first point in time in the program...determining a

second point in time in the second perspective of the program by approximating a first

point in time..." since Jain discloses that, the switching is seamless and dynamic and

that different viewing perspectives are achieve, by the system automatically switching

control to the camera having the best perspective (figs.7-9, col.25, lines 44-col.26, line

67, col.27, line 1-col.28, line 48 and col.30, line 17+). Hence, applicant's amended

claims do not overcome the prior art of record. The amendment to the claims

necessitated the new ground(s) of rejection discussed below. **This office action is

made final.**

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-5, 7-22 and 25-56 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Jain et al (6,144,375).**

As to claim 1, note the **Jain** reference figures 1-7, discloses compressed digital

data interactive program system and further discloses a method for processing

broadcasts, comprising:

Receiving a broadcast of a program (Client Multimedia System 'CMS' 400), the

broadcast containing a plurality of perspectives of the program, each of the perspectives

providing a view of a given scene from a different angle (figs.3-5, col.5, line 57-col.6,

line 13 and line 25-51);

Presenting a first perspective, the first perspective comprising a first perspective

of a portion of the program; storing at least one of the pluralities of perspectives (fig.7

and col.22, lines 6-41);

Providing input from the a viewer (see fig.7 User Input) which indicates a desire

to replay the portion of the program from a second perspective of the plurality of

perspectives (col.22, lines 6-41);

Identifying (CMS-400 processor) in the first perspective a first point in time in the

program, which corresponds to the beginning of the portion, responsive to the input;

Automatically determining a second point in time in the second perspective where the

second point in time comprises an approximation of the first point in the program and presenting the portion of the program from the second perspective to the viewer, beginning at the second point in time, storing meta-data corresponding to each one of more of the plurality of perspectives of the program, the meta-data comprising a least time and/or offset for each of the corresponding one or more plurality of perspectives (col.23, line 66-col.24, line 24, line 47-col.25, line 7, line 58-col.26, line 1+ and col.27, line 33-col.28, line 27), note that all the perspectives are related to each other on an intuitive manner.

As to claim 2, Jain further discloses where presenting the first perspective and storing are performed simultaneously (col.23, lines 21-30, col.25, line 44-col.26, line 1+ and col.29, lines 8-31).

As to claim 3, Jain further discloses where storing the at least one of the first perspective is performed automatically (col.25, line 44-col.26, line 1+ and col.27, line 33-col.28, line 1+).

As to claims 4 and 5, Jain further discloses where presenting at least one of the plurality of perspectives includes presenting at least one of the stored perspectives and storing are performed simultaneously (col.25, line 44-col.26, line 1+ and col.27, line 33-col.28, line 1+).

As to claim 7, Jain further discloses where receiving the broadcast includes receiving a plurality of related video streams, each stream including one of the perspectives (col.25, line 44-col.26, line 1+ and col.27, line 33-col.28, line 1+).

As to claim 8, Jain further discloses where identifying the first point in time in the first perspective comprises identifying a first offset in the stored file corresponding to the first perspective (col.25, line 44-col.26, line 1+ and col.27, line 33-col.28, line 1+).

As to claims 9, Jain further discloses where presenting the first perspective includes presenting the first perspective in one window of a display and presenting at least one of the plurality of perspectives includes presenting a second perspective from the plurality of stored perspectives in a different window (fig.7-9 and col.22, line 6-col.23, line 1+).

As to claim 10, Jain further discloses where storing at least one of the plurality of perspectives includes storing the perspectives in at least one circular buffer (col.25, line 44-col.26, line 1+).

As to claim 11, Jain further discloses where determining the second point in time in the second perspective comprises locating an offset in the second perspective which is near the first offset (col.25, line 44-col.26, line 1+ and col.27, line 33-col.28, line 1+).

As to claim 12, Jain further discloses where determining the second point in time in the second perspective comprises: searching stored meta-data to identify two consecutive offsets corresponding to the first perspective, such that the interval represented by the two consecutive offsets includes the first offset; utilizing a stored time corresponding to each of the two consecutive offsets to determine an approximated point in time; searching stored meta-data to identify two consecutive times corresponding to the second perspective, such that the interval represented by the two consecutive times includes the approximated point in time; utilizing a stored

offset corresponding to each of the two consecutive times to determine an

approximated offset and locating an offset in the second perspective which is near the

approximated offset (col.25, line 44-col.26, line 1+, col.27, line 33-col.28, line 1+ and

col.29, line 8-44, line 64-col.30, line 42).

As to claims 13-14, Jain further discloses where the plurality of perspectives of

the program comprises MPEG data streams, and where the offset in the second

perspective, which is near the first offset corresponding to an MPEG I-frame and where

the offset in the second perspective which is near the approximated offset corresponds

to an MPEG I-frame (col.22, lines 43-67).

As to claim 15, the claimed "a method for playing a multi-perspective program

comprising..." is composed of the same structural elements that were discussed in the

rejection of claim 1.

Claim 16 is met as previously discussed with respect to claim 1.

Claim 17 is met as previously discussed with respect to claim 9.

Claim 18 is met as previously discussed with respect to claim 11.

Claim 19 is met as previously discussed with respect to claim 12.

As to claim 20, the claimed "a system for recording a broadcast including a

plurality of perspectives of the program comprising..." is composed of the same

structural elements that were discussed in the rejection of claim 1.

Claim 21 is met as previously discussed with respect to claim 2.

As to claim 22, Jain further discloses where the recorded perspectives to the viewer without interrupting the recording of the broadcast (col.25, line 44-col.26, line 1+ and col.27, line 33-col.28, line 1+).

Claim 25 is met as previously discussed with respect to claim 1.

As to claim 26, Jain further discloses where the storage device is selected from the group consisting of: a magnetic disk, an optical disk and a flash memory (col.2, lines 26-44).

Claim 27 is met as previously discussed with respect to claim 11.

Claim 28 is met as previously discussed with respect to claim 12.

As to claim 29, Jain further discloses where the receiver comprises at least one tuner (col.6, lines 25-67 and col.10, lines 48-55).

As to claim 30, Jain further discloses where the receiver comprises a demultiplexer and a processor (col.6, lines 25-67).

As to claim 31, the claimed "a system for presenting broadcasts..." is composed of the same structural elements that were discussed in the rejection of claim 1.

Claim 32 is met as previously discussed with respect to claim 2.

Claim 33 is met as previously discussed with respect to claim 2.

Claim 34 is met as previously discussed with respect to claim 5.

Claim 35 is met as previously discussed with respect to claim 5.

Claim 36 is met as previously discussed with respect to claim 1.

Claims 37-38 are met as previously discussed with respect to claim 9.

As to claims 39-40, Jain further discloses where the receiver is configured to receive a plurality of audio and/or video streams associated with the plurality of perspectives and where the A/V streams includes one of the perspectives (col.6, lines 25-67 and col.9, line 24+).

Claim 41 is met as previously discussed with respect to claim 11.

Claim 42 is met as previously discussed with respect to claim 12.

As to claim 43, Jain further discloses where the storage device includes at least one circular buffer 106 for storing at least one of the pluralities of perspectives (col.6, lines 25-67 and col.9, line 24+).

As to claim 44, Jain further discloses where the processor is configured to search at least one of the stored perspectives (col.27, line 33-col.28, line 1+ and col.29, line 8-44, line 64-col.30, line 42)

As to claim 45, the claimed "a computer program product for processing broadcasts, comprising..." is composed of the same structural elements that were discussed in the rejection of claim 1.

Claim 46 is met as previously discussed with respect to claim 2.

Claim 47 is met as previously discussed with respect to claim 1.

Claim 48 is met as previously discussed with respect to claim 4.

Claim 49 is met as previously discussed with respect to claim 2.

Claim 50 is met as previously discussed with respect to claim 11.

Claim 51 is met as previously discussed with respect to claims 39-40.

Claim 52 is met as previously discussed with respect to claim 12.

Claim 53 is met as previously discussed with respect to claim 9.

Claim 54 is met as previously discussed with respect to claim 43.

As to claims 55-56, Jain further discloses where receiving the broadcast includes simultaneously receiving a plurality of related video streams, each stream includes one of perspectives, where the streams do not have a same bit rate and where the locating comprises performing interpolation (col.27, line 33-col.28, line 1+ and col.29, line 8-44, line 64-col.30, line 42)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jain et al (6,144,375)** and further in view of **Abecassis (6,289,165).**

As to claims 23-24, Jain further teaches a receiver, which receives video transmitted via camera over radio frequency, decodes the video stream, stores and playback as desire via a Video out port connected to a monitor or TV screen or other display, but silent to explicitly use a STB which includes a storage device.

However of **Abecassis** teaches various multimedia receiving or player devices including a STB with storage capabilities (col.6, lines 19-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Abecassis into the system of Jain to

provide a STB connected to conventional TV sets, so that end users don't have to buy a

new TV along with the computer elements.
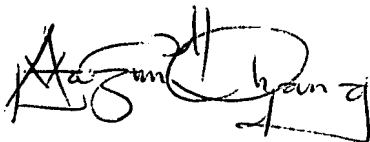

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

Annan Q. Shang